Biological Samples

519.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those inmates required to provide samples upon conviction for certain offenses (RCW 43.43.754). This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

519.2 POLICY

The Thurston County Sheriff's Office shall assist in the expeditious collection of required biological samples from inmates in accordance with the laws of this state and with as little reliance on force as practicable.

519.3 INMATES SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following inmates must submit a biological sample (RCW 43.43.754):

(a) Every inmate convicted on or after June 12, 2008, of any of the following crimes (or equivalent juvenile offenses):

1. Any felony offense
2. Assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041)
3. Assault in the fourth degree with sexual motivation (RCW 9A.36.041; RCW 9.94A.835)
4. Communication with a minor for immoral purposes (RCW 9.68A.090)
5. Custodial sexual misconduct in the second degree (RCW 9A.44.170)
6. Failure to register (RCW 9A.44.040 et seq.)
7. Harassment (RCW 9A.46.020)
8. Patronizing a prostitute (RCW 9A.88.110)
9. Sexual misconduct with a minor in the second degree (RCW 9A.44.096)
10. Stalking (RCW 9A.46.110)
11. Violation of a sexual assault protection order granted under RCW 7.105.050 et seq. (Civil Protection Orders)
12. Indecent exposure (RCW 9A.88.010)

519.4 PROCEDURE

When an inmate is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

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519.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the inmate is required to provide a sample pursuant to RCW 43.43.754.

(b) Verify that a biological sample has not been previously collected from the inmate by querying the Washington State Patrol (WSP) Crime Lab. There is no need to obtain a biological sample if one has been previously obtained (RCW 43.43.754).

(c) Use the designated collection kit provided by the WSP to perform the collection and take steps to avoid cross contamination.

(d) Forward the sample to the appropriate crime laboratory as soon as practicable.

519.5 CALCULATED USE OF FORCE TO OBTAIN SAMPLES

If an inmate refuses to cooperate with the sample collection process, corrections deputies should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order or approval of legal counsel and only with the approval of the Shift Supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The inmate's parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the inmate for failure to comply or otherwise bring the refusal before a judge (RCW 43.43.754(11)).

(c) The judge at the inmate's next court appearance.

(d) The inmate's attorney.

(e) A chaplain.

(f) A supervisor who may be able to authorize disciplinary actions to compel compliance, if any such actions are available.

The Shift Supervisor shall review and approve any calculated use of force. The supervisor shall be present to supervise and document the calculated use of force.

519.6 LEGAL MANDATES AND RELEVANT LAWS

Washington law provides for the following:

519.6.1 AVAILABLE INFORMATION AND TRAINING

The Sheriff or the authorized designee should maintain relevant information from the WSP in the booking area of the Thurston County Sheriff's Office for training and guidance purposes. This should include WSP protocols for the collection, preservation, and shipment of biological samples (WAC 446-75-060).

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